

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.
2007 MAR 14 A 11:56
CLERK *D. J. Taylor*
SO. DIST. COURT

ROBERT S. WORTHY, : CIVIL ACTION
Plaintiff, :
v. :
STATE OF GEORGIA, :
WAYNE COUNTY BOARD OF :
COMMISSIONERS, and :
JASPER WILLIAM HARVEY, :
Defendants. : NO. CV207-009

O R D E R

The case is before the Court on the State's unopposed motion to dismiss.¹ Because the State is not a "person" within the meaning of § 1983, and because the State is immune from suit under the Eleventh Amendment, Worthy's claim against the State of Georgia is legally deficient. Will v. Mich. Dep't of State Police, 491 U.S. 58, 65 (1989).

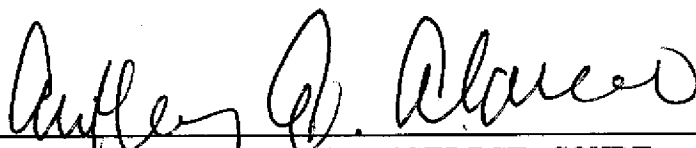
¹

Under Local Rule 7.5, failure to respond to a motion indicates no opposition thereto.

Accordingly, the State's motion is **GRANTED** as unopposed.

Dkt. No. 10.

SO ORDERED, this 14 day of March, 2007.



JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA